

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE TRICOR DIRECT PURCHASER  
ANTITRUST LITIGATION

C.A. No. 05-340 (KAJ)

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

CONSOLIDATED

IN RE TRICOR INDIRECT PURCHASER  
ANTITRUST LITIGATION

C.A. No. 05-360 (KAJ)

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

CONSOLIDATED

**UNOPPOSED MOTION FOR EXTENSION OF TIME**

Abbott and Fournier hereby file this unopposed motion for an extension of time of two days in which to file their opposition to the motions of plaintiffs (the putative direct and indirect purchaser classes) seeking class certification (C.A. 05-340, D.I. 106; C.A. 05-360, D.I. 116). As reflected in the Stipulation and Order entered by the Court on July 3, 2006 (C.A. 05-340, D.I. 142; C.A. 05-360, D.I. 175), the schedule for briefing on class certification calls for defendants' opposition papers to be filed on Monday, August 14, 2006, and plaintiffs' replies to be filed on September 29, 2006. The Stipulation and Order also provides that, "absent compelling circumstances," defendants shall not seek additional extensions for the filing of their opposition papers.

Defendants hereby seek an extension of two days, to Wednesday August 16, 2006, in which to file their opposition papers, due to constraints that have developed in the schedule of Abbott's lead counsel, William Cavanaugh. Specifically, Mr. Cavanaugh has needed

to appear at several all-day depositions in Washington D.C. required by the FTC in a pending proceeding, which has precluded him from meaningful participation in the work on the opposition papers that is ongoing this week. Then, on August 9, Mr. Cavanaugh received an order from a federal court in Illinois scheduling an important oral argument on a motion to dismiss for Monday August 14, 2006, the day the opposition brief is due, thus further impairing his ability to participate in the work needed to file papers this Monday. While Mr. Cavanaugh has been involved in the earlier work on the papers, his input on the final work is important to defendants.

Defendants ask the Court's indulgence for this extension, as we submit that the circumstances causing us to seek the extension are compelling. Plaintiffs have indicated that they do not oppose the request, if they may correspondingly have until October 4 for their replies (they have asked for three days rather than two due to the fact that Yom Kippur falls on Monday October 2). Defendants have no objection to plaintiffs' request.

Accordingly, defendants ask that the Court grant the extension (a proposed form of order is attached).

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*/s/ Mary B. Graham*

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Dated: August 11, 2006  
532425

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 11, 2006, the foregoing was caused to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

In addition, the undersigned hereby certifies that true and correct copies of the foregoing were caused to be served via electronic mail on August 11, 2006 upon the following parties:

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